

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

HENRY MESA, JR.	§	
VS.	§	CIVIL ACTION NO. 9:12-CV-42
DR. LOVE KASULE, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Henry Mesa, Jr., a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Dr. Love Kasule, Dr. Owen Murray, Dr. Scott, Lanette Lithicum, and Jennifer Kresta.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting defendants' motions to dismiss to the extent that the claims against them in their official capacities should be dismissed. The magistrate judge recommends denying the motions in all other respects.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendants' motions to dismiss (document

nos. 43 and 53) are **GRANTED** to the extent that the claims against the defendants in their official capacities are **DISMISSED**. In all other respects, the motions to dismiss are **DENIED**.

SIGNED this 17th day of March, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE